

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON DOCKET**

ESTATE OF VINCENT J. GIBSON, by
and through JOHNNIE SHADD, as
Administratrix,

Plaintiff,

v.

DAIMLER NORTH AMERICA
CORPORATION, *et al.*

Defendants.

)
)
)
) CIVIL ACTION NO. 2:19-cv-00095-
) WOB-CJS

ELECTRONICALLY FILED

**RULE 26(a)(1) INITIAL DISCLOSURES
BY LUFKIN INDUSTRIES, LLC**

Pursuant to Fed. R. Civ. P. 26(a)(1), Lufkin Industries, LLC (“Lufkin”) provides the following initial disclosures.

1. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i), the name and, if known, the address, and telephone number of each individual likely to have discoverable information, along with the subjects of that information, that Lufkin may use to support its claims or defenses, unless the use would be solely for impeachment:

(a) Rob Maharrey, 58 Cat Brier Lane, Hilton Head, SC 29926, (912) 257-8493. Mr. Maharrey is a former Lufkin employee who was the chief engineer of the trailer division during the time that the subject trailer was designed and manufactured. Mr. Maharrey may have knowledge regarding Lufkin’s trailer division as well as the subject trailer’s design and manufacture.

(b) Jeff Lawrence (contact information unknown). Mr. Lawrence was an engineer in Lufkin's trailer division during the time that the subject trailer was designed and manufactured. Mr. Lawrence may have knowledge regarding Lufkin's trailer division as well as the subject trailer's design and manufacture.

(c) Johnnie Shadd. Ms. Shadd may have knowledge of Vincent Gibson's injuries, death, personal and employment history, and claimed damages.

(d) David L. Kennedy, 150 South Main Street, Mount Olivet, KY 41064. Mr. Kennedy may have knowledge of the subject accident, the events leading up to the subject accident, and Mr. Gibson's injuries and death.

(e) Vicky D. Griffin, 1647 Savage Road, Peebles, OH 45660. Ms. Griffin is listed as witness to the accident on the police report and may have knowledge of the subject accident.

(f) Employees or former employees of Lowe's who participated in loading the subject trailer prior to the accident as well as Lowe's employees or former employees who participated in ordering and purchasing the Lufkin trailer.

(g) Next of kin of Ricky Weisner (deceased), who may have knowledge of Mr. Weisner's involvement in the subject accident.

(h) The following members of the Ohio State Highway Patrol (950 Rombach Avenue, Wilmington, OH 45177) listed in the police report, who may have knowledge of the subject accident as well as Mr. Gibson's injuries and death:

- i. Trooper J.N. Baker
- ii. Trooper D.L. Ellis

- iii. Trooper J.E. Taylor
- iv. Trooper E.D. Weinman
- v. Sergeant A.S. Fox
- vi. S/Lieutenant W. Price

(i) Other first responders who arrived to the accident scene and may have knowledge of the subject accident or Mr. Gibson's injuries and death.

(j) Bryan D. Casto, M.D., (937) 225-4156, 381 West Third Street, Dayton, OH 45402. Dr. Casto completed the autopsy of Mr. Gibson and may have knowledge regarding Mr. Gibson's injuries and death.

(k) Monica VanGundy. (937) 225-4156, 381 West Third Street, Dayton, OH 45402. Ms. VanGundy assisted during the autopsy of Mr. Gibson and may have knowledge regarding Mr. Gibson's injuries and death.

(l) Megan Senters, (937) 225-4156, 381 West Third Street, Dayton, OH 45402. Ms. Senters assisted during the autopsy of Mr. Gibson and may have knowledge regarding Mr. Gibson's injuries and death.

(m) Kaitlyn Burgei. (937) 225-4156, 381 West Third Street, Dayton, OH 45402. Ms. Burgei assisted during the autopsy of Mr. Gibson and may have knowledge regarding Mr. Gibson's injuries and death.

(n) Cynthia McGillivary. (937) 225-4156, 381 West Third Street, Dayton, OH 45402. Ms. McGillivary served as the photographer during the autopsy of Mr. Gibson and may have knowledge regarding Mr. Gibson's injuries and death.

(o) All individuals named in any other party's Rule 26(a)(1) Initial Disclosures and any supplementations thereto.

2. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), a description by category and location of documents and tangible things that Lufkin has in its possession, custody, or control and that Lufkin may use to support its claims and defenses, unless the use would be solely for impeachment:

(a) Unindexed paper documents, located at a storage site in Lufkin, Texas, relating to various aspects of Lufkin's long-closed trailer division;

(b) Photographs and measurements of the vehicles involved in the subject accident taken during inspections on October 29, 2019, and December 10, 2019;

(c) Police report and accompanying photographs;

(d) Autopsy report of Mr. Gibson and accompanying photographs;
and,

(e) All documents and tangible things disclosed in any other party's Rule 26(a)(1) Initial Disclosures and any supplementations thereto.

3. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii), Lufkin has no claims for damages at this time.

4. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv), Lufkin is party to an insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for

payments made to satisfy a judgment. Lufkin will shortly supplement these disclosures by producing a copy of the declaration page of this insurance agreement.

Respectfully submitted,

/s/Robin E. McGuffin

John L. Tate

STITES & HARBISON PLLC

400 West Market Street, Suite 1800

Louisville, KY 40202-3352

Telephone: (502) 587-3400

jtate@stites.com

and

Robin E. McGuffin

STITES & HARBISON PLLC

250 West Main Street, Suite 2300

Lexington, KY 40507-1758

Telephone: (859) 226-2300

rmcguffin@stites.com

Counsel for Lufkin Industries, LLC,

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July, 2020, I served the foregoing by email upon the following:

Jennifer A. Moore
Emily A. DeVuono
Moore Law Group, PLLC
1473 South 4th Street
Louisville, KY 40208
T: (502)717-4080
jennifer@moorelawgroup.com
emily@moorelawgroup.com

and

Walter Aden Hawkins
Isaacs & Isaacs, P.S.C.
1601 Business Center Court
Louisville, KY 40299
T: (502)458-1000
Walter.hawkins@isaacsandisaacs.com
Counsel for Plaintiff

J. Britt Phillips
SUTTER O'CONNELL CO.
5200 Maryland Way, Suite 350
Brentwood, TN 37027
bphillips@sutterlaw.com

and

Denise A. Dickerson
SUTTER O'CONNELL CO.
1301 East 9th Street,
3600 Erieview Tower
Cleveland, OH 44114
ddickerson@sutter-law.com
*Counsel for Daimler North
America Corporation and Daimler
Trucks North America, LLC*

Gregory Scott Gowen
FULTZ MADDUX DICKENS PLC
101 South Fifth St., 27th Floor
Louisville, KY 40202
(502) 588-2000
Fax: (502) 588-2020
sgowen@fmhd.com
Counsel for General Electric Company

/s/Robin E. McGuffin
Counsel for Lufkin Industries, LLC

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON DOCKET**

ESTATE OF VINCENT J. GIBSON, by
and through JOHNNIE SHADD, as
Administratrix,

Plaintiff,

V.

DAIMLER NORTH AMERICA
CORPORATION, *et al.*

Defendants.

)
)
)
) CIVIL ACTION NO. 2:19-cv-00095-
) WOB-CJS
)
)
)
)
)
)
)
)
)
)

**CORRECTION TO RULE 26(a)(1) INITIAL DISCLOSURES
BY LUFKIN INDUSTRIES, LLC**

Pursuant to Fed. R. Civ. P. 26(a)(1) and Fed. R. Civ. P. 26(e)(1), Lufkin Industries, LLC (“Lufkin”) hereby corrects its initial disclosures served on July 31, 2020.

1. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv), Lufkin states that it is self-insured in an amount sufficient to satisfy any judgment.

Respectfully submitted,

/s/Robin E. McGuffin

John L. Tate

STITES & HARBISON PLLC

400 West Market Street, Suite 1800

Louisville, KY 40202-3352

Telephone: (502) 587-3400

jtate@stites.com

and

Robin E. McGuffin
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, KY 40507-1758
Telephone: (859) 226-2300
rmcguffin@stites.com
Counsel for Lufkin Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2020, I served the foregoing by email upon the following:

Jennifer A. Moore
Emily A. DeVuono
Moore Law Group, PLLC
1473 South 4th Street
Louisville, KY 40208
T: (502)717-4080
jennifer@moorelawgroup.com
emily@moorelawgroup.com

and

Walter Aden Hawkins
Isaacs & Isaacs, P.S.C.
1601 Business Center Court
Louisville, KY 40299
T: (502)458-1000
Walter.hawkins@isaacsandisaacs.com
Counsel for Plaintiff

J. Britt Phillips
SUTTER O'CONNELL CO.
5200 Maryland Way, Suite 350
Brentwood, TN 37027
bphillips@sutterlaw.com

and

Denise A. Dickerson
SUTTER O'CONNELL CO.
1301 East 9th Street,
3600 Erieview Tower
Cleveland, OH 44114
ddickerson@sutter-law.com
*Counsel for Daimler North
America Corporation and Daimler
Trucks North America, LLC*

Gregory Scott Gowen
FULTZ MADDUX DICKENS PLC
101 South Fifth St., 27th Floor
Louisville, KY 40202
(502) 588-2000
Fax: (502) 588-2020
sgowen@fmhd.com
Counsel for General Electric Company

/s/Robin E. McGuffin
Counsel for Lufkin Industries, LLC